

Form B9A (Chapter 7 Individual or Joint Debtor No Asset Case)

Case Number **09-40662**

UNITED STATES BANKRUPTCY COURT
District of South Dakota

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 8/31/09 .

You may be a creditor of the debtor(s). **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or online using CM/ECF (contact the clerk's office for more information regarding CM/ECF). NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

Debtor(s):

Wade Anthony Nelson
6813 W 6th Street
Sioux Falls, SD 57107

Jackie Ann Nelson
6813 W 6th Street
Sioux Falls, SD 57107

Case Number:

09-40662

Social Security/Taxpayer ID Numbers:

xxx-xx-5957
xxx-xx-6140

Attorney for Debtor(s):

Harry A. Engberg
Engberg Law Office
300 N Dakota Ave Suite 601
Sioux Falls, SD 57104
Telephone number: 605-271-8848

Bankruptcy Trustee:

Lee Ann Pierce
Trustee
PO Box 524
Brookings, SD 57006
Telephone number: 605-692-9415

Meeting of Creditors:

Date: **October 2, 2009**Time: **11:30 AM**

Location: **Suite 300, 314 S. Main Ave., Sioux Falls, SD
57104**

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**To File a Complaint Objecting to Discharge of Debtor(s) or to Determine Dischargeability of Certain Debts:
12/1/09**

To Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor(s) and the property of the debtor(s). Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor(s) can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult an attorney to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Foreign Creditors

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

400 S. Phillips Ave., Room 104
Sioux Falls, SD 57104-6851
Telephone number: 605-357-2400
www.sdb.uscourts.gov

For the Court:

Frederick M. Entwistle
Clerk of the Bankruptcy Court

Hours Open: Monday – Friday 8:00 AM – 5:00 PM

Date: 9/1/09

SEE OTHER SIDE FOR IMPORTANT EXPLANATIONS.

EXPLANATIONS

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor(s) by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor(s); repossessing property of the debtor(s); starting or continuing lawsuits or foreclosures; and garnishing or deducting from wages of the debtor(s). Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor(s) can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor(s) may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for doing so. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor(s) is (are) seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor(s). If you believe the debtor(s) is (are) not entitled to receive a discharge under Bankruptcy Code § 727(a) <i>or</i> that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of Debtor(s) <i>or</i> to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that deadline.
Exempt Property	The debtor(s) is (are) permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor(s) must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe an exemption claimed by the debtor(s) is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's(s') property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. You may also review them online, using CM/ECF (contact the clerk's office for more information regarding CM/ECF).
Foreign Creditors	Consult an attorney familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.
Debtor Identification	Important notice to individual debtors: All individual debtors must provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in the dismissal of your case.

— Refer to Other Side for Important Deadlines and Notices —

CERTIFICATE OF NOTICEDistrict/off: 0869-4
Case: 09-40662User: dmick
Form ID: b9aPage 1 of 1
Total Noticed: 12

Date Rcvd: Sep 01, 2009

The following entities were noticed by first class mail on Sep 03, 2009.

db/db +Wade Anthony Nelson, Jackie Ann Nelson, 6813 W 6th Street, Sioux Falls, SD 57107-0303
 aty +Harry A. Engberg, Engberg Law Office, 300 N Dakota Ave Suite 601,
 Sioux Falls, SD 57104-6040
 tr +Lee Ann Pierce, Trustee, PO Box 524, Brookings, SD 57006-0524
 ust Bruce J. Gering, 314 South Main Avenue, Suite 303, Sioux Falls, SD 57104-6462
 950237 CitiFinancial, Bankruptcy Dept, PO Box 140489, Irving, TX 75014-0489
 950240 GMAC Mortgage, Customer Care, PO Box 1330, Waterloo, IA 50704-1330
 950241 Sioux Falls Bell FCU, 3809 S Kiawanis Ave, Sioux Falls, SD 57105
 950242 +Wells Fargo Mortgage, PO Box 10335, Des Moines, IA 50306-0335

The following entities were noticed by electronic transmission on Sep 01, 2009.

950235 EDI: CAPITALONE.COM Sep 01 2009 19:03:00 Capital One, PO Box 30285,
 Salt Lake City, UT 84130-0285
 950236 EDI: CHASE.COM Sep 01 2009 19:03:00 Chase, PO Box 15298, Wilmington, DE 19850-5298
 950238 +EDI: FORD.COM Sep 01 2009 19:03:00 Ford Motor Credit, PO Box 94380,
 Palantine, IL 60094-4380
 950239 +EDI: RMSC.COM Sep 01 2009 19:03:00 GE Money Bank, PO Box 981127, El Paso, TX 79998-1127
 TOTAL: 4

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 03, 2009

Signature:

